

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD BARRON,

Plaintiff, No. CIV S-04-1197 GEB GGH P

vs.

DR. USHA PAI, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

By order filed September 6, 2006, this court directed plaintiff to file a pretrial statement within thirty days. Plaintiff has not responded to the court's order. The court will therefore recommend that this action be dismissed without prejudice. See Fed. R. Civ. P. 16(f); Local Rule 11-110.

In accordance with the above, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections

1 shall be served and filed within ten days after service of the objections. The parties are advised
2 that failure to file objections within the specified time may waive the right to appeal the District
3 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: 11/1/06

5 /s/ Gregory G. Hollows

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 GREGORY G. HOLLOWS
7 UNITED STATES MAGISTRATE JUDGE

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